



Honduras

Country Reports on Human Rights Practices - [2003](#)

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Honduras is a constitutional democracy, with a president and a unicameral congress elected by separate ballot for 4-year terms. The multiparty political system is dominated by two traditional parties, the Nationalists and the Liberals. In November 2001, voters elected Ricardo Maduro of the Nationalist Party president in elections that domestic and international observers judged to be generally free and fair. The Constitution provides for an independent judiciary; however, the judiciary is poorly staffed and equipped, often ineffective, and subject to corruption and political influence.

The Honduran Armed Forces (HOAF) include the army, the air force, and the navy. A 1999 constitutional amendment established direct civilian control over the armed forces through a civilian Minister of Defense. In 2001, the Organic Law of the Armed Forces solidified civilian control over the military, a process that took a decade. The National Preventive Police (formerly a paramilitary force known as the FUSEP) were placed under civilian control in 1997. The Ministry of Public Security oversees police operations, and police are responsible for all public security issues. The military are authorized to support law enforcement activities with police upon presidential directive. During the year, nearly half of all military personnel were assigned continuously to joint patrols with police to prevent and combat high levels of criminal and gang activity. The civilian authorities maintained effective control of these joint security forces. Police committed most human rights abuses during the year; however, the military committed abuses in the past. The Public Ministry is an independent entity led by the Attorney General, selected by Congress for a five-year term, and includes prosecutors and the Directorate of the Fight Against Drug Trafficking (DLCN). The Public Ministry is poorly staffed and equipped, often ineffective, and subject to corruption and political influence.

The market economy is based primarily on agriculture and, increasingly, on the maquiladora (assembly manufacturing for export) industry. The country has a population of 6.7 million. According to the Central Bank, in 2002 approximately 40 percent of the labor force worked in agriculture, followed by 22 percent in commerce, and 14 percent in manufacturing. The principal export crops are coffee and bananas; these, along with value added income from the maquiladora industry and remittances from citizens living abroad, are the leading sources of foreign exchange. Nontraditional products, such as melons, pineapples, and shrimp, play a growing role in the economy. Economic growth remains muted due to record low worldwide coffee prices and sluggish activity in the maquiladora sector. The Central Bank estimated real economic growth for the year at 2.5 percent. About two-thirds of the country's households live in poverty, and 40 percent of the population lives on less than \$1.00 (17.5 lempiras) per day.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Members of the police committed extrajudicial killings. Well-organized private and vigilante security forces were believed to have committed a number of arbitrary and summary executions. Human rights groups accused former security force officials and the business community of colluding to organize "death squads" to commit extrajudicial, summary, and arbitrary executions, particularly of youth. Security force personnel beat and otherwise abused detainees and other persons. Prison conditions remained harsh, and detainees generally did not receive due process. There was considerable impunity for members of the economic, military, and official elite. A weak, underfunded, and often corrupt judicial system contributed to human rights problems. Although the courts considered allegations of human rights violations or common crimes against armed forces personnel, and some cases went to trial, there were few, if any, convictions. While no senior government official, politician, bureaucrat, or member of the business elite was convicted of crimes, a number were under investigation during the year.

The Government removed or demoted some military officials, police officers, police agents and investigators, and judges from office on corruption and other charges. With the new Criminal Procedures Code in effect and an oral accusatory system, lengthy pretrial detention in new cases was less common than in the past; however, cases from previous years remained subject to delays. On occasion the authorities conducted illegal searches. Other human

rights problems included violence and discrimination against women, child prostitution, abuse of children, discrimination against indigenous people, and trafficking in persons. The Government did not enforce effectively all labor laws. Many workers in the private sector were forced to work unpaid overtime. Child labor was a problem, particularly in rural areas, in the informal economy, and in some export agriculture, but generally not in the export-processing sector.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings by government agents; however, members of the security forces were suspected of direct involvement in at least 24 of the estimated 1,250 extrajudicial, arbitrary, and summary killings of youth under age 22 and minors from 1998 to June 2002. A February report by the Permanent Commission on the Physical and Moral Integrity of Children, a commission made up of government and civil society leaders to investigate killings of children and youth, estimated there had been 744 children under 18 killed from 1988 to 2002. The Minister of Government later reported that 800 children were killed from 1988 to the end of the year. There has been little or no progress made by the Public Ministry in bringing charges in most of these cases.

According to Public Ministry figures from the government's morgues in Tegucigalpa and San Pedro Sula, there were 2,205 persons killed in 2002, a figure that almost certainly undercounts the actual number of murder victims.

There was some improvement in the government's ability to investigate, but not to prosecute, suspects in the killings of children and youth. According to the nongovernmental organization (NGO) Casa Alianza, information on killings collected from press reports show that the average number of killings of children and youth under age 23 through June 2002 increased by 16 percent over the first 6 months of 2001, rising from 197 to 230 killings. The average number of killings of children by firearms increased 46 percent from 52 minors in 2001 to 76 in 2002. During 2002, no perpetrator was identified in 60 to 70 percent of the killings; gangs were suspected in 15-20 percent of killings; police, private guards, or neighborhood vigilante groups were suspected in 5 percent of killings, and 10-15 percent of killings were drive-by shootings usually involving a truck, often without license plates. A majority, but by no means all, of the victims were gang members. According to Casa Alianza, 557 children and youth age 23 and under were killed during the year, compared to 549 in 2002.

In April 2002, unknown persons killed two youths and an adult in a sugar cane field outside San Pedro Sula after they were forced into a gray pickup by six heavily armed men dressed in bullet proof vests and showing police identification. One of the youths was suspected by police of gang activity. In September 2002, a group of armed men in a pickup killed five youths in Tegucigalpa, mimicking a 1995 torture and killing of youths. The 1995 case was under consideration by the Inter-American Commission on Human Rights (IACHR) (see Section 1.c.).

In a January 2002 report on violent deaths of children and youths, the National Human Rights Commission, an autonomous government agency, reviewed the evidence and interviewed youths in detention who had been threatened or who had survived an attempted killing. Those who survived attacks identified the perpetrators as police or as heavily armed older men in vehicles who would either confuse the victims by using gang signs or ask victims to take off shirts to show whether the victims had gang-related tattoos.

In September 2002, the Ministry of Public Security established a special investigative unit on child murders to follow through on cases. The Ministry of Public Security has assigned 20 detectives to the Special Investigative Unit--10 in Tegucigalpa and 10 in San Pedro Sula--as well as 4 analysts, 2 in each city. There are a total of 32 people, including administrative staff, assigned to the unit. The police have 300 detectives nationwide. As of December 11, the Special Investigative Unit had investigated 148 cases of killing of children and young adults. Forty-eight cases covering 66 victims have been resolved; 100 cases were still under investigation at year's end. Of the 48 cases, 22 were gang-related, 13 involved members of the security forces, and 13 involved civilians. Casa Alianza provided information on 15 cases in September 2002 and another 8 cases in January for a total of 23 cases of killings of minors in which police were suspected of involvement. As a result of the investigations, in October 2002 the authorities arrested former policeman Walter Enrique Moncada Duarte for the 1999 killing of minor Alexander Reyes. Of the 23 cases, the special investigative unit had completed investigations in 9 cases and investigations were pending in the other cases at year's end. However, the judicial system had taken little action on these cases at year's end.

In September 2002, the IACHR Special Rapporteur for Children visited the country to review the situation of

extrajudicial, arbitrary, and summary killings of youths and children. In September 2002, the U.N. Special Rapporteur on Extrajudicial, Arbitrary, and Summary Executions released a report based on her 2001 visit that claimed that security forces were involved in covering up their involvement in some of the summary killings of youth and children, and that some of the killings involved police. In October 2002, a special inter-agency Presidential Commission, consisting of the Ministry of Justice and Government, the Attorney General, the Institute for Family and Children, the Human Rights Commission, and the nongovernmental Institutional Coordinator of Children's Rights Group issued a report that identified 574 cases of summary killings of minors and 18-year-olds, of which 140 occurred in the first half of the year and 276 occurred in 2001. Despite continued attention to the problem by the Government, perpetrators of killings against youth and minors continued to act with impunity.

Human rights groups alleged that individual members of the security forces worked with civilian (including vigilante) groups and used unwarranted lethal force against supposed habitual criminals or suspected gang members, as well as against other youths not known to be involved in criminal activity. Several groups and families of the victims pushed for investigations into specific incidents, while others claimed to have provided public prosecutors with evidence of collusion between police elements and business leaders with regard to these killings. The Ministry of Public Security, which was the focus of human rights criticism, publicly denied accusations that the police force as a whole was involved in extrajudicial killings, although it acknowledged that individual police had been investigated for participation in extrajudicial killings.

In September 2002, the Police Director of Internal Affairs announced that she would continue investigating high-level officials whom she alleged had been involved either directly or indirectly in at least 20 extrajudicial killings, not necessarily of youths, over the previous 4 years (see Section 1.c.). During the year, the authorities sought or detained a number of police officials for their involvement in the killings of various individuals, some of whom were minors. In September, police officer Juan Carlos "Tiger" Bonilla, wanted for suspected involvement in an extrajudicial killing, turned himself in to authorities in San Pedro Sula. Bonilla was arrested but then granted bail.

On April 5, 68 persons, 61 of them gang members, were killed in a violent incident at El Porvenir prison near La Ceiba. Reports done by both a Special Commission of the Honduran National Council for Internal Security (CONASIN) and the Human Rights Commissioner put the blame for the vast majority of the deaths on government security forces (police and military under police command) and nongang member inmate trustees. While it appears that gang members started the violence, security forces and trustees then beat, shot, and burned them to death, according to the reports. Many gang members appear to have been summarily executed while attempting to surrender to the authorities. At year's end, the Deputy Warden who was in charge at the time of the incident was under arrest and the Public Ministry and the Ministry of Public Security was investigating several members of the security forces involved in the incident.

On July 18, unknown assailants killed environmental activist Carlos Arturo "Oscar" Reyes in his home. Reyes was involved in NGOs' protests of illegal logging in Olancho department. Priest and environmental activist Jose Andres Tamayo received death threats for his involvement in protesting illegal logging.

On November 23, unknown assailants killed Jose Daniel Chinchilla, the Vice President of La Central Cooperativas Cafetaleras de Honduras. An investigation into his killing was pending at year's end.

On December 18, the priest Guillermo Antonio Salgado was killed in Juticalpa. Police subsequently arrested Arlin Daniel Escobar Molina on murder charges.

In August 2002, presumed members of an organized crime gang, the Barrera Herrera brothers, killed human rights activist Jose Santos Callejas, treasurer of the local office of the national NGO Human Rights Committee (CODEH), in his home near the city of La Ceiba. Preliminary investigations indicated that the gang had threatened Callejas after he positively identified them to police as having committed a killing. Police authorities and the Human Rights Committee were investigating the involvement of individual police officers in Callejas' killing. At year's end, no suspects had been captured.

There were no developments in the 2001 killing case of the son of a Potrerillos, Cortes department, mayoral candidate and his friend.

There was no more information on the 2001 case of police involvement in the killing of the Chorti indigenous person Isidro Geronimo during a demonstration.

At year's end, no suspects were under arrest for the 2001 killing of Nationalist Party congressional candidate Angel Pacheco Leon in Valle department.

Approximately 20 active and former military and police officials continued to face criminal charges on human rights abuses during the 1980s in various courts during the year. Most officials were accused of illegal detention and murder because disappearance is not a crime under the new or previous criminal codes (see Section 1.b.). Human

rights abuses committed before March 1985 were adjudicated under the 1906 Criminal Code. Crimes after that date were prosecuted and judged under the new Criminal Code as revised in 1997 and 1999. Courts do not accept cases if the body of the victim has not been recovered and positively identified. An identified body allows families and human rights organizations to bring a case of suspected human rights abuse to court.

There were no exhumations of clandestine graves during the year; however, on January 23 the Public Ministry took samples for testing exposed bodies found in the department of Olancho. Human rights organizations believed that more uncovered graves do exist; however, they need to have sufficient evidence to identify the buried bodies in suspected graves to improve the likelihood of successful prosecution. Human rights organizations continue to seek information using grass-roots contacts and other sources outside the Government that would lead to exhumations that would advance prosecutions. In April, the press reported that four clandestine grave sites had been found recently in the country, but these have not been exhumed.

Various witnesses, survivors, and former HOAF personnel charged that members of the now-disbanded army Intelligence Battalion 3-16 illegally detained, tortured, and killed many of the 184 persons who disappeared during the 1980s. The Public Ministry was not able to bring new cases to court due to lack of evidence (see Section 1.b.).

In May and July 2002, police arrested Jose Angel Rosa and Jorge Adolfo Chavez Hernandez, a former member of Battalion 3-16, for the 1998 killing of environmental activist and Catacamas town councilman Carlos Antonio Luna Lopez. An appeals court later freed Rosa; however, in May 2002 police arrested him for the attempted killing of Sylvia Esperanza Gonzales, which is related to the killing of Luna Lopez. Rosa remained in prison on unrelated environmental charges at year's end. In May, the Supreme Court ruled against a motion to dismiss the charges against Chavez, and he remained in prison at year's end. Former security official Jose Marcos Hernandez Hernandez and two other suspects remained at large. In December 2002, a court sentenced Oscar Aurelio "Machetillo" Rodriguez Molina, to 20 years' imprisonment for the murder of Luna Lopez and 7 years' imprisonment for grave injury to Gonzales. In January two NGOs brought the case to the IACHR.

In August, the authorities arrested Jaime Ramirez Raudales, also known as Jaime Rosales, a former member of Battalion 3-16, for the 1988 political killings of social activists Miguel Angel Pavon Salazar and Moises Landaverde Recarte.

In June, an appeals court upheld the dismissals of the arrest warrant for Raymundo Alexander Hernandez Santos and retired Major Manuel de Jesus Trejo Rosa for the 1982 illegal detention and attempted murder of Nelson MacKay Echevarria and Miguel Francisco Carias Medina. The Public Ministry then appealed to the Supreme Court, where the case was pending at year's end.

The case against Raymundo Alexander Hernandez Santos for the 1982 illegal detention and murder of Adan Avilez Funez and Nicaraguan citizen Amado Espinoza Paz was ongoing at year's end. On October 8, the Supreme Court ruled against the Public Ministry's appeal of an appeals court's decision not to reissue an arrest warrant for Juan Evangelista Lopez Grijalba, wanted in the same case. On December 2, the trial court dismissed the case against Lopez Grijalba. In April, retired Colonel Manuel Enrique Suarez Benavides, another suspect in the case, died.

Former security officials Jose Marcos Hernandez Hernandez, German Antonio McNeil Ulloa, Jose Alfredo Martinez, and Juan Blas Salazar Meza awaited sentencing at year's end for the 1983 illegal detention and torture of student activist Luis Manuel Figueroa Guillen in Choluteca department. Former security official Dimas Carvajal Gomez, also charged in the case, was killed during the year. Salazar Meza was in jail for his involvement in the illegal detention of six university students (see Section 1.c.).

In the July 1982 killing of university student Hans Madisson, the Public Ministry never received a response to its request to the Canadian Government for testimony from witnesses who had fled the country and applied for asylum in Canada. Nor has the Public Ministry received a response to its request for further DNA testing to identify positively the body thought to be Madisson's. At year's end, the case was continuing against Captain Billy Fernando Joya Amendola, former army Chief of Staff Oscar Ramon Hernandez Chavez, Raymundo Alexander Hernandez Santos, and Segundo Flores Murillo, but none were under arrest.

At year's end, Jose Barrera Martinez, a witness in cases related to Billy Fernando Joya Amendola and Raymundo Alexander Hernandez Santos, was at large despite a pending arrest warrant.

Violent crime continued to fuel the growth of private, often unlicensed guard services, and of volunteer groups that patrolled their neighborhoods or municipalities to deter crime. During the year there was an average of six violent deaths per day. Vigilante justice led to the killing of known and suspected criminals, as well as of youth in gangs, street children, and youth not known to be involved in criminal activity (see Section 5). Neighborhood watch groups called Citizen Security Councils (CSCs) originally were authorized by a previous Minister of Public Security, and some of them were accused of taking the law into their own hands. Human rights activists continued to state publicly their belief that some of the CSCs, as well as private security companies with ties to former military or

police officials, were acting as vigilantes or death squads, especially targeting youth, with the tacit complicity of police. According to human rights groups, the CSCs with the greatest number of incidents of violent deaths committed by vigilante committees were in the municipalities surrounding San Pedro Sula. In 2002, the Ministry of Public Security worked with city officials to assure that vigilante committees did not operate with official support; however, the program was not ongoing at year's end. In June 2002, the Ministry of Public Security announced that all arms, including those of private security firms, would have to be registered.

In September 2002, the Attorney General rejected the idea that death squads were killing youth and children; however, he acknowledged that individual police and vigilante groups committed some killings. Several "killings for hire" occurred during the year, usually related to land disputes or criminal activities. Six members of the NGO National Central for Rural Workers were killed during the year in land disputes. In April 2002, four landless farmers were killed and one guard was injured when the farmers attempted to take over land also claimed by a subsidiary of a multinational company. There was no information on the proceedings at year's end.

No more information was available regarding the 2001 killings of the Peralta Torres family, farmers' cooperative president Felix Roque, or the suspicious death of farmers' cooperative president Jose Antonio Santos Lopez. Three suspects were in jail and three remained at large in the June 2001 killing of community leader and environmental activist Carlos Roberto Flores in Olancho. In 2001, a court convicted Edgardo Danilo Arita for the 1999 killing of Cabana mayor Juan Ramon Alvarado case and sentenced him to 10 years' imprisonment.

The 2000 complaint filed by Casa Alianza with the IACHR regarding the illegal detention and killing by police of four youths in 1995 remained under investigation by the Commission at the end of the year. In 2002, Casa Alianza appended a 1998 case to the 1995 IACHR complaint for the torture and killing of two minors in Progreso in which police were suspected of involvement. Casa Alianza had a total of six cases before the Commission; in three of these cases agreements were close to completion.

The Ministry of Public Security reported that gang members killed at least 11 police officers during the year. A law outlawing gang membership was passed in August and implemented in September. The law prescribes prison terms ranging from 3 to 12 years, depending on the individual's level of involvement and seniority. Human rights organizations criticized the law and filed a brief before the Supreme Court arguing that the law is unconstitutional, but the Court dismissed the brief (see Section 4).

b. Disappearance

The law does not prohibit forced disappearance; however, there were no reports of disappearances during the year.

There were no developments in the 2001 case of former guerrilla Rigoberto Martinez Lagos, who disappeared after leaving his house in Tegucigalpa to meet a police investigative agent. In cases where significant information is available, but no body has been identified, the Public Ministry's Human Rights office attempts to uncover evidence that could lead to clandestine graves. In 2002, the Public Ministry requested information from the HOAF regarding the 1988 disappearance of student activist Roger Samuel Gonzales Zelaya, whose body has not been found; however, the HOAF did not provide any information relating to his disappearance, only information regarding his detention. An investigation was continuing into the involvement of former military officers Carlos Roberto Velasquez Ilovaes and Mario Raul Hung Pacheco in his illegal detention. Only a few bodies were found of the 184 persons who have been documented as disappearances. There was no change in the case of the 1981 torture or the 1984 disappearance of Jose Eduardo Lopez.

There were no exhumations during the year. The courts adjudicated some pending cases involving political disappearances from the 1980s as murders (see Section 1.a.).

There were 17 kidnappings for ransom, many in San Pedro Sula, during the year, which was less than in years past.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

In 2002, the Ministry of Public Security fired more than 300 police personnel in both the Criminal Investigative Unit (DGIC) and the Preventive Police for corruption, criminal activity, and abuse of authority. In September 2002, the Director of Internal Affairs of the police force announced that high-level officials had been involved either directly or indirectly in at least 20 extrajudicial killings of presumed delinquents (see Section 1.a.). At the end of the year, the Public Ministry had brought some cases to prosecution. During the year, the Public Ministry also investigated complaints of prison abuse.

Disagreements between the Public Ministry and the Ministry of Public Security continued to create friction. While local prosecutors were able to work in police stations, they did not always maintain good relations with police investigators.

The 2001 order by the General Director of Prisons barring access to district attorneys had not been implemented by the end of the year.

The 2000 Supreme Court ruling that the 1987 and 1991 Amnesty Laws did not cover illegal detention and attempted murder meant that amnesty laws were no longer applicable in the case of Raymundo Alexander Hernandez Santos, Juan Blas Salazar Meza, Manuel de Jesus Trejo Rosa, Juan Evangelista Lopez Grijalba, retired Captain Billy Fernando Joya Amendola, retired General Jose Amilcar Zelaya Rodriguez, Roberto Arnaldo Erazo Paz, Jorge Antonio Padilla Torres, and Colonel Julio Cesar Funez Alvarez, accused of the 1982 illegal detention and torture of six university students (see Section 1.e.). In May, the appeals court ruled that Raymundo Alexander Hernandez Santos must be released from prison for the illegal detention charges to which the appeals court had reduced all charges in December 2001. At year's end, the Public Ministry's appeal to the Supreme Court of the appeals court ruling was pending. Hernandez is also charged in the 1982 Avilez and Espinoza killings (see Section 1.a.). In May, a court convicted Juan Blas Salazar Meza for illegal detention and sentenced him to 4 years' imprisonment for his participation in the illegal detention of two of the six students. In June, the Public Ministry appealed the failure of the court to try him for attempted murder and the detention of all six students. At year's end, retired Captain Billy Fernando Joya Amendola was free on bail while his case continued. The courts denied repeated Public Ministry appeals to have his arrest warrant reinstated, most recently in July 2002 by the Supreme Court. On March 31, the court issued arrest warrants for two retired colonels, Juan Evangelista Lopez Grijalba and Julio Cesar Funez Alvarez, for illegal detention in the case of the six university students. Retired General Jose Amilcar Zelaya Rodriguez, the owner of the property in the Amarateca Valley of Francisco Morazan department where the 1982 incidents occurred, was under house arrest at year's end, under charges of complicity. At year's end, the case was continuing against Roberto Arnaldo Erazo Paz and Manuel de Jesus Trejo Rosa. In 2001, the court dismissed all charges against Jorge Antonio Padilla Torres for lack of evidence. The court also dropped all charges against Juan Ramon Pena Paz who was accused wrongly because he shared the same last names as another suspect, Jose Blas Pena Paz, who died in 1991.

The Public Ministry's appeal of the decision to drop charges against Raymundo Alexander Hernandez Santos and Manuel de Jesus Trejo Rosa for the 1982 illegal detention of Miguel Francisco Carias Medina was pending at year's end (see Section 1.a.).

Police occasionally used force against demonstrators; in some cases a number of persons were injured. Protests sometimes turned violent, including vandalism and the use of Molotov cocktails (see Section 2.b.). In May 2002, the 2001 Police and Social Order Law took effect. The new law defines the different roles of national and municipal police and describes the activities that police undertake. The law outlines when police can use force and when they should assist citizens, limits how demonstrations can be carried out (see Section 2.b.), gives authority to police to remove landless farmers who take over land, and defines public order. It allows prostitution for those over 18 years of age, but outlaws brothels, madams, and pimps, while offering rehabilitation (see Section 5). The law permits police to detain gang members, drunkards, truants, and vagrants without warrants, and to fine parents who deny education to their children. Human rights and gay rights organizations alleged that the new law restricted freedom of assembly.

In a number of instances, the security forces actively dislodged farmers and indigenous groups from lands in dispute. Sometimes this government action was legitimate, because the National Agrarian Institute (INA) did not substantiate the farmers' and indigenous groups' claims under land reform laws or ancestral titles. In other cases, the action taken in support of local landowners who exercised undue influence over local security officials, including in some cases obtaining a legal order when the justification for the order was questionable (see Sections 1.a., 1.f., and 5).

Police are underfunded, undertrained, and understaffed, and corruption is a serious problem. There is widespread public frustration at the inability of the security forces to prevent and control crime. During the year, police and military continued to patrol jointly the streets, and petty crime remained relatively high. Gang violence and intimidation on the streets remained a serious problem, and gangs continued to intimidate, threaten, and rob passengers on public transportation. Kidnappings of the wealthy and well-known declined, and more perpetrators were identified and prosecuted compared with the previous year. While investigation into crimes improved during the year, the public continued to believe that corrupt security personnel were complicit in the high crime rate (see Section 1.a.).

Prison conditions were harsh and prison security was poor. The Law for the Rehabilitation of the Delinquent establishes regulations for prison conditions, including minimum conditions of sanitation and security for prisoners. The Ministry of Public Security maintains prison facilities, and Prison Police are guards. Prisoners suffered from

severe overcrowding, malnutrition, and a lack of adequate sanitation, and allegedly were subjected to various other abuses, including rape by other prisoners. Pretrial detainees generally were not separated from convicted prisoners. The 24 penal centers held over 12,500 prisoners in 2002, more than twice their intended capacity; more than 88 percent of all prisoners in 2002 were pretrial detainees (see Section 1.d.). Prison escapes, through bribery or other means, remained a frequent occurrence. About 3 percent of prisoners were thought to be gang members in 2002.

Prison disturbances, caused primarily by harsh conditions and intergang violence, occurred throughout the year in the larger facilities of San Pedro Sula, Tegucigalpa, and Choluteca. A number of gang members were killed in prison, reportedly by members of other gangs. During the year, prison authorities continued to move prisoners of opposing gangs into different facilities to reduce intergang tensions and violence. The illegal transfer of a large number of gang members to the El Porvenir prison was alleged to be a contributing factor to the April 5 incident that killed 68 persons (see Section 1.a.).

More often than not, for lack of alternative facilities, wardens housed the mentally ill, although there is a National Mental Hospital with drug and alcohol rehabilitation, and those with tuberculosis and other infectious diseases, among the general prison population. In July 2002, the National Human Rights Commission and the Special Prosecutor for Human Rights accused prison officials of using excessive force against prisoners. Practices reported included beatings, isolation, threats, electric shocks, and immersion in water.

A 2001 National University's Medical College study reported a 7 percent HIV/AIDS infection rate among prisoners. Male prisoners with money routinely bought private cells, decent food, and permission for conjugal visits, while prisoners without money often lacked basic necessities, as well as legal assistance. The prison system budgets about \$0.46 (8.13 lempiras) per day for food and medicine for each prisoner. Prisoners were allowed visits and in many cases relied on outside help to survive, as the prison system could not provide adequate food.

The NGO CODEH continued government-funded programs to train police and prison personnel to avoid committing acts of torture, to train and rehabilitate prisoners, and to arrange for periodic inspections of prisons. The Center for the Prevention, Treatment, and Rehabilitation of Victims of Torture and Their Families provided health and social services to prisoners in the main penitentiary in Tamara.

Women generally were incarcerated in separate facilities under conditions similar to those of male prisoners; however, female prisoners do not have conjugal visit privileges. Four percent of the prison population was female. Children up to age 2 can live with their mothers in prison.

The Government operates juvenile detention centers in Tamara, El Carmen, and El Hatillo; all are located in or near Tegucigalpa or San Pedro Sula. Although there was a lack of juvenile detention facilities, minors were detained infrequently in adult prisons. There were an average of 281 juveniles held per month at juvenile detention facilities in 2002, according to the Honduran Institute of Children and the Family. Casa Alianza reported that the Government responded quickly to complaints of minors in adult prisons and no longer routinely housed juvenile offenders in adult prisons. The Government and Casa Alianza agreed to earmark \$182,000 (3 million lempiras) compensatory payments under an IACHR agreement to assist juvenile offenders. Approximately 24 of the 300 juvenile offenders who served time in adult prisons from 1995 to 1999 were compensated.

There were no developments in the Casa Alianza complaint to the Inter-American Court of Human Rights regarding four minors tortured in a Comayagua prison in 1990.

The Government generally permitted prison visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile

The law provides for protection against arbitrary arrest and detention; however, the authorities occasionally failed to observe these prohibitions.

The Ministry of Public Security oversees police operations (Preventive Police, DGIC, Transit Police, Tourist Police, and Prison Police), and police are responsible for all public security issues. Police were poorly staffed and equipped, often ineffective, and subject to corruption and political influence. Despite continued attention to the problem by the Government, perpetrators of killings against youth and minors, including in some instances police, continued to act with impunity.

The Constitution prohibits torture; however, there were isolated instances in which officials employed such practices. In addition, police beatings and other alleged abuses of detainees remained problems. The police force, which includes the Preventive Police and the DGIC, is subject to investigation by the Internal Affairs office regarding illegal activities. The Internal Affairs office reports to the Attorney General's office, where a

decision is made either to prosecute the offender or to return the case to the Minister of Public Security for administrative action. The Preventive Police and the DGIC each have an Office of Professional Responsibility (OPR), which conduct internal reviews of police misconduct such as off-duty criminal conduct and ethics violations. An OPR ruling is reported to the Minister of Public Security, who can take disciplinary action or direct a supervisor to decide upon disciplinary action for minor infractions.

The law states that police may arrest a person only with a court order, unless the arrest is by order of a prosecutor, made during the commission of a crime, or when there is strong suspicion that a person has committed a crime and may try to evade criminal prosecution, or is caught with evidence related to a crime. Police must clearly inform the person of the grounds for the arrest. The Preventive Police detain suspects and can investigate only misdemeanors, unless the DGIC is not available, in which case the law allows the Preventive Police to investigate misdemeanors and felonies. Police must bring a detainee before a competent authority within 24 hours; a prosecutor has 24 hours to decide if there is probable cause for an indictment. If a prosecutor decides to indict a suspect, the prosecutor presents an indictment before a judge, who then has 24 hours to decide whether to issue a temporary detention order that can last up to 6 days. Within this time period a pretrial hearing must be held for the judge to examine probable cause and make a decision on whether or not pretrial detention should continue. Under the Criminal Procedures Code, bail is available for felonies. A judge must take into account the seriousness of the crime, the suspect's criminal record and personal history, as well as his financial status before setting bail. Judges can set lower bail amounts for indigent defendants. Lengthy pretrial detention was a serious problem; in 2002, an estimated 88 percent of the prison population awaited trial and sentencing (see Section 1.c.). The authorities expect that over time the new Criminal Procedures Code will reduce or even eliminate the problem of denial of justice through prolonged pretrial detention.

The 1996 Unsented Prisoner Law mandates the release from prison of any detainee whose case has not come to trial and whose time in detention exceeds the maximum prison sentence for the crime of which he is accused. However, the antiquated criminal justice system, judicial inefficiency and corruption, and lack of resources clog the criminal system with pretrial detainees, many of whom already have served time in prison equivalent to the maximum allowable for the crime of which they were accused. In 2000, the Government estimated that as many as 3,017 prisoners qualified for release under the Unsented Prisoner Law, that 3 officers were required to monitor each detainee, and that the annual cost of enforcing this law was approximately \$6.7 million (100 million lempiras). The new Criminal Procedures Code limits pretrial detention to 1 year if the greatest penalty for a crime is less than 6 years and to 2 years if the penalty for the crime is 6 years or greater. The Code is not retroactive, so individuals who have already served their sentence but whose case has not been reviewed will remain in jail until the judge reviews the case. Many prisoners under the old system remained in jail after being acquitted or completing their sentences, due to the failure of responsible officials to process their releases. The Criminal Procedures Code mandates house arrest until trial of persons over the age of 60 accused of nonfelony crimes, women who are pregnant or lactating, and the terminally ill. In addition, it provides for the use of house arrest in felony cases, depending on the seriousness of the crime as well as the suspect's criminal record and personal history. Neither the Constitution nor the Penal Code explicitly prohibits exile, but it was not used as a means of political control.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary was poorly staffed and equipped, often ineffective, and subject to corruption. While the Government respected constitutional provisions in principle, implementation was weak and uneven in practice. Both the judiciary and the Public Ministry suffered from inadequate funding; low wages and lack of internal controls made judicial and law enforcement officials susceptible to bribery; and powerful special interests still exercised influence and often prevailed in the courts. Many elected politicians enjoy constitutional immunity as a privilege of their office. The full application of the Criminal Procedures Code in February 2002 and the establishment of a new Supreme Court in January 2002 slightly improved the judicial system.

The Constitution provides for the right to a fair trial. This right improved in practice over the year since implementation of the Criminal Procedures Code. The new code established an oral accusatory system for all new criminal cases to replace the written, inquisitorial trial system. At the first instance level each case has a pretrial judge, a three-judge trial panel, and a post-trial phase judge. Defendants have appeal rights to an appellate court and the Supreme Court. The new system allows for plea-bargaining, although in practice there have been difficulties in implementation for cases with multiple suspects, and for the provision of appointed legal counsel to all indigent suspects. The Government began oral proceedings in May 2002. The new code works on the basis of the presumption of innocence, the right to a public trial, and respect for the dignity and liberty of the accused. It also expressly prohibits pretrial detention after the initial 24-hour detention without a court order. Since the implementation of the new code, there has been some improvement in the legal system's fairness toward those charged with crimes, and cases have been processed with greater efficiency than under the old system.

An accused person has the right to an initial hearing by a judge, to bail, to an attorney provided by the State if necessary, and to appeal. The rights of defendants often were not observed under the 1984 Code. Under the 1984 Code, all stages of the trial process were conducted in writing and, at the judge's discretion, could be declared secret and, thus, even less public than normal. All trials are public under the new code.

The 2001 constitutional amendment to restructure the Supreme Court and create an independent judiciary took effect during in 2002. In January 2002, a special nominating committee representing 5 sectors of civil society (one representative each from labor unions, employer associations, civil society, the bar association, and the human rights ombudsman) selected 45 nominees from more than 200 applicants for a new 15-member, 7-year-term Supreme Court. The Congress then selected 15 judges from the 45 nominees. There are 10 appeals courts, 67 courts of first instance with general jurisdiction, and 326 justice of the peace courts with limited jurisdiction. The Supreme Court names all lower court judges. Human rights groups expressed concern that the 8-7 split between the Nationalist and Liberal Parties on the court was not likely to depoliticize Supreme Court appointments. In May 2002, the courts were reorganized to divide case management into two systems, one following the old, written administrative court procedures, and the other following the new, oral accusatorial method of the Criminal Procedures Code. During 2002, 35 percent of 140,000 pending cases under the previous procedure were dismissed or resolved. A separate but less efficient procedure led to the release of some pretrial detainees. On November 5, 2002, the Supreme Court named a new Court of Appeals in Tegucigalpa, after having ousted the entire three-member court in the midst of allegations of corruption and impropriety. In 2002, the Supreme Court also replaced judges in San Pedro Sula who were accused of corruption.

The Congress introduced draft constitutional amendments in 2002 that would have given Congress unfettered power to interpret the constitutionality of laws that it passes. In November 2002, the National Human Rights Commission filed a lawsuit asking that the Supreme Court declare the proposals unconstitutional and in violation of the separation of powers provision in the Constitution. In May, the Supreme Court ruled that the proposed amendments were unconstitutional. An initial confrontation between the Supreme Court and Congress ended when Congress refrained from taking any action.

The new Criminal Procedures Code gave the Public Ministry the responsibility to initiate criminal proceedings and to lead investigations. When the code was initially written, the DGIC fell under the Public Ministry. Prior to the code being fully implemented the DGIC came under the Ministry of Public Security. This change means that until the code is revised to designate the Ministry of Public Security as the investigative lead, all investigations are dependent upon the physical presence of a prosecutor, who directs the investigations. Under the old system, which remained in effect for crimes committed before February 2002, judges were in charge of investigations, as well as of trials and sentencing. Under the 1984 Code of Criminal Procedures, judges, police, public officials, and individual citizens could initiate criminal proceedings. The new code with prosecutors serving as investigators has caused problems that led to the dismissal of some cases because a person cannot be a prosecutor and an investigative witness at the same time.

The new code provides defendants with additional rights that reduce their likelihood of being detained, including strict timelines for actions during the criminal process, which some critics warn may reduce the conviction rate of hardened criminals. Public officials assert that the new code will reduce the number of pretrial detainees and will establish procedures so that detainees will not be held in prison beyond their maximum prison term.

A public defender program provides assistance to those unable to afford an adequate defense. There are over 200 public defenders providing free legal services nationally to 50 percent of the prison population; however, it is difficult for public defenders to meet the heavy demands of an unautomated, inadequately funded, and labor-intensive criminal justice system. Under the Code, cases cannot proceed if a suspect does not have legal representation. In 2002, 83 percent of defendants used public defenders. The demands placed on the public defender system severely overtaxed its resources.

A 1998 Supreme Court instruction held judges personally accountable for reducing the number of backlogged cases. The order separates judges into pretrial investigative judges and trial and sentencing judges. The Court also created a program to monitor and enforce compliance with these measures. The Court's instruction was intended to ensure more effective protection for the rights of the accused to a timely and effective defense. It had little effect under the old system, but the Criminal Procedures Code allows for four options: dismissal of charges by the prosecutor, conditional suspension of the proceedings (contingent on behavioral modifications by the defendant), an abbreviated trial procedure whereby the accused admits guilt and receives a reduced sentence, and strict conformity with the law to reduce the caseload and to prioritize serious crimes for prosecution. The Supreme Court also created a "purging unit" to clear backlogged cases from prior to the implementation of the new code. By law, these cases must be resolved by 2006. There were approximately 49,000 pending cases at year's end, down from over 125,000 cases.

Modest progress was made in previous years toward implementing a judicial career system to enhance the

qualifications of sitting judges; depoliticize the appointment process; and address problems of corruption, clientism, patronage, and influence-peddling within the judiciary. Nonetheless, many courts remain staffed by politically selected judges and by unqualified clerks who are inefficient and subject to influence from special interests. The reforms have not been implemented fully or effectively. Public accountability or official sanction for misconduct is minimal. However, the Supreme Court dismissed more than 19 judges on various charges, including corruption, in 2002.

A prosecutor and a judge investigating the 1998 killing of a town councilman reported receiving death threats (see Section 1.a.).

The Supreme Court's rulings on the 1987 and 1991 amnesty laws declared their application unconstitutional for nine military officials accused in the illegal detention and attempted murder of six university students (see Section 1.c). Amnesty laws would continue to apply to all military defendants until specific grounds for exclusion of amnesty are applied in that case. Military officials may request amnesty, but only if the case has gone to trial. The Public Ministry has the right to challenge the applicability of those laws to specific investigations of past human rights abuses.

The Constitution provides broad immunity to members of Congress and government officials. Membership in both the National Congress and the Central American Parliament confers legal immunity from prosecution which extends to candidates running for office and to acts committed before taking office. A 2000 General Law of Immunities did little to foster transparency and accountability in government. According to the Constitution and the law, charges brought against public officials with immunity first must be adjudicated through unspecified administrative procedures before any criminal proceedings are initiated. In addition, the law bestows immunity to citizens upon party nomination to run for public office. The law continues to require a vote of Congress to deprive an individual of his or her immunity, although such individual may be arrested if caught in the act of endangering the life or physical integrity of another. Under the new Code of Criminal Procedures, the Public Ministry has responsibility to investigate and then present a petition to Congress requesting a revocation of immunity if warranted. If the Congress votes to admit the petition, the Supreme Court nominates three magistrates to hear the case. Members of Congress and other public officials may voluntarily submit themselves directly to the Supreme Court. There had yet to be a case of a congressman convicted of a crime while still in office.

Congressman Armando Avila Panchame requested that his immunity be waived to stand trial after his arrest in July on attempted murder and drug trafficking charges. At year's end, he was under house arrest awaiting trial. In July, authorities arrested Congressman Mauro Caballero and charged him with environmental crimes; however, his immunity had not been revoked by year's end. Congressman Melvin Tomas Regalado was arrested and charged for improperly influencing decisions leading to the release and flight of the prisoner Amilcar Antonio Portillo in March and subsequently requested that his immunity be waived. In June the Central American Parliament revoked the immunity of Central American parliamentarian Cesar Augusto Diaz Flores, who was arrested in June (and later convicted) in Nicaragua for trafficking and possession of seven kilos of heroin. In 2002, Congressman David Romero was stripped of his immunity to face charges of raping his stepdaughter. He was in jail awaiting trial at year's end.

Over the past 9 years, the Public Ministry has taken steps to investigate and charge not only military officers for human rights violations, but also recently retired heads of the armed forces for corruption, illicit enrichment, and white-collar crimes, as well as ranking officials of the three previous governments for abuses of power, fraud, and diversion of public funds and resources. However, at year's end, very few of those accused had been tried or convicted. Some of these individuals maintained immunity from prosecution because they were in elected office.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, Correspondence

The Constitution specifies that a person's home is inviolable, that persons employed by the State may enter only with the owner's consent or with the prior authorization of a competent legal authority, and that entry may take place only between 6 a.m. and 6 p.m. There is an exception that allows entry at any time in the event of an emergency or to prevent the commission of a crime, expanded in 2002 to include kidnapping or endangerment of life. However, as in previous years, there were credible charges that police personnel failed at times to obtain the needed authorization before entering a private home. Coordination among police, the courts, and the Public Ministry remained weak; however, it improved somewhat with the creation of unified centers for police, prosecutors, and public defenders that provide for more efficient operations.

In a number of instances, private and public security forces actively dislodged farmers and indigenous groups who claimed ownership of lands based on land reform laws or ancestral titles to property (see Section 5). A number of farm cooperatives experience constant threats of dislocation from local police and military authorities who support local landowners. In the past, some individuals who lost disputed lands to farmer cooperatives as a result of

government adjudication killed cooperative leaders.

The Government generally respected the privacy of correspondence.

Despite reforms to the civil service system, party membership is often necessary to obtain or retain government employment.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the authorities generally respected these rights in practice, with some important exceptions. The Police and Social Order Law restricts demonstrators from using statements that could incite persons to riot. Some journalists admitted to self-censorship when their reporting threatened the political or economic interests of media owners.

A small number of powerful business magnates with intersecting business interests, political loyalties, and family ties own many news media. Systemic national problems, such as corruption and endemic conflicts of interest, also limit the development of the news media. For example, of the four national newspapers, a Congressman operated one and a former Liberal Party president runs another. Each government ministry for the most part selects the journalists who cover its activities. If a government ministry is unhappy with the reporter, the minister often speaks with the owner of the media outlet to pressure for a change.

The Government has various means to influence news reporting of its activities, such as the granting or denial of access to government officials, which is crucial for news reporters, editors, and media owners. Other methods are subtler, such as the coveted privilege to accompany the President on his official travels. Journalists who accompany the President on such occasions do so at the expense of the Government, which grants or withholds invitations for such travel at will. The Government also has considerable influence on the print media through its ability to grant or withhold official advertisements funded with public monies.

Responsible journalists on many occasions have conducted investigative journalism and presented corruption stories to the public's attention. However, in some cases when the news media attempted to report in depth on national politicians or official corruption, they continued to face obstacles, such as external pressures to desist from their investigations and a lack of access to government information and independent sources.

The news media also continued to suffer from internal corruption, politicization, and outside influences. Press silence can be bought by many means, including the practice of ministers and other high-ranking government officials hiring journalists as public affairs assistants at high salaries. Payments to journalists to investigate or suppress certain stories continued, although no individual journalist was accused publicly of engaging in the practice. News directors and editors acknowledged their inability to halt the practice. The Maduro Government used the Cadena Nacional, a complete preemption of all television and radio broadcasting, to present bimonthly presidential addresses.

One potentially abusive practice continued to be the granting of awards to individual reporters on "Journalists' Day." In May, all three branches of the Government and several private organizations, including chambers of commerce, bestowed numerous awards, some accompanied by substantial sums of cash, on the "best" journalists. Rather than being tied to a specific accomplishment--a particular article or series, or even a lifetime's body of work--most awards were granted without any published criteria to beat reporters assigned to the granting institution. Some of these awards appeared to be deserved; however, many observers viewed them as little more than acknowledgments by the granting institutions of perceived services rendered.

Because President Maduro had limited ties to the media, some journalists took the opportunity to increase reporting on sensitive topics. In the past, there were credible reports of media owners' repression against individual journalists who criticized the Government, actively criticized freedom of the press, or otherwise reported on issues sensitive to powerful interests in the country. During the year there were several reports of threats or lawsuits against journalists by powerful persons, including legal cases against three journalists for their reports on corruption cases.

On November 26, unknown persons shot and killed German Antonio Rivas, a journalist, in Santa Rosa de Copan, Copan department. An investigation was pending at year's end.

The Government did not restrict Internet access.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly, and the Government generally respected this right in practice; however, police used force to disperse several protests, resulting in a number of injuries. During the year, incidents in which protesters, including farmers or teachers, took over roadways in various departments met with police resistance. Police used tear gas and riot troops to clear roadways, injuring a number of persons in some of the incidents.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. However, on August 8, the Congress approved a bill that bans membership in street gangs and prescribes prison terms of 3-12 years (see Section 4).

c. Freedom of Religion The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The dominant religion, Catholicism, does not affect adversely the religious freedom of others. The Government prohibits immigration of foreign missionaries who practice religions that claim to use witchcraft or satanic rituals.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The government accepted 13 people for refugee status between 1998 and October. The Government cooperates with the U.N. High Commissioner for Refugees, the International Office of Migration, and other humanitarian organizations in assisting refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. General elections were held in 2001, and in January 2002 Ricardo Maduro Joest was sworn in as President for a 4-year term.

Citizens choose a president, three vice presidents, and members of the National Congress by free, secret, and direct, balloting every 4 years. In 1997, voters for the first time were able to cast separate ballots for the President, Congresspersons, and mayors, making individual elected officials somewhat more representative and accountable. Suffrage is universal; however, the clergy and members of the military or civilian security forces are not permitted to vote. In the 2001 elections, voting was expanded to include citizens resident in 5 cities in the United States, of whom only 1,000 voted. Any citizen born in the country or abroad of Honduran parentage may hold office, except for members of the clergy, the armed forces, and the police.

The investigation into the 2001 election-eve killing of Angel Pacheco, Nationalist Party congressional candidate from Valle department, had uncovered no suspects at year's end.

A new political party may gain legal status by obtaining 20,000 signatures and establishing party organizations in at least half of the country's 18 departments. There are five recognized parties. The Democratic Unification Party was established by decree as a result of the Esquipulas peace accords.

There are no legal impediments to the participation of women or minorities in government and politics. The 2000 Law of Gender Equality mandated that 30 percent of all candidates nominated for public office by recognized political parties be women. Congresswomen and women's groups strongly criticized all five parties for their lack of female representation in the congressional slates after the 2001 elections. There are 9 women in the 128-seat legislature. There are 9 female justices, 1 of whom is president, on the 17-member Supreme Court; and 3 of the 15 Cabinet ministers are women.

There were few indigenous people in leadership positions in government or politics. There are 3 indigenous or Garifuna (Afro-Caribbean) persons in the 128-seat legislature.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperated with these groups and were responsive to their views.

Several human rights organizations criticized the Government for criticizing their challenges to the constitutionality of the anti-gang law. The human rights organizations alleged that this criticism created a perception that they were supporting members of gangs, which resulted in their receiving threats. Bertha Oliva de Nativi, coordinator of the NGO Committee of Relatives of the Detained and Disappeared in Honduras (COFADEH), had her minor daughter's life threatened. On September 22, COFADEH filed a complaint with the Supreme Court that alleged that the law permits the illegal detention of gang members, violated the principle that all are presumed innocent, and therefore was unconstitutional. On October 9, the Supreme Court dismissed the complaint and ruled that COFADEH did not have standing to challenge the law's constitutionality.

In August 2002, human rights worker Jose Santos Callejas was killed in Atlantida in a criminal assault related to his human rights activism. An investigation into his killing was pending at year's end (see Section 1.a).

In September 2002, the U.N. Special Rapporteur on Extrajudicial, Arbitrary, and Summary Executions published the report on her visit to the country to meet with government, human rights, and children's organizations (see Section 1.a.).

In March 2002, Congress chose Ramon Custodio Lopez to replace Leo Valladares Lanza as Human Rights Commissioner of the National Human Rights Commission (NHRC), an autonomous government institution. He holds a 6-year term. The NHRC director has free access to all civilian and military institutions and detention centers and is supposed to perform his functions with complete immunity and autonomy. The Government generally cooperated with the NHRC and invited the Human Rights Ombudsman to work on interagency commissions dealing with rule of law issues. The NHRC was one of the organizations that received threats due to its stance on the anti-gang law.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution bans discrimination based on race or sex. The Constitution also bans discrimination on the basis of class; however, in practice, the political, military, and social elites generally enjoyed impunity under the legal system. Members of these groups rarely were arrested or jailed; the President, cabinet ministers, and legislators all enjoy legal immunity (see Section 1.e.). It is illegal for an employer to discriminate against a worker based on disability, including HIV/AIDS status.

In September, Amnesty International reported that approximately 200 homosexual and transsexual workers were killed between 1991-2003. On July 15, two policemen allegedly shot and killed Eric David Yanez, a transgender member of the NGO San Pedro Sula's Gay Community. The investigation into his killing was pending at year's end.

Women

Violence against women remained widespread. The Penal Code classifies domestic violence and sexual harassment as crimes, with penalties of 2 to 4 years' and 1 to 3 years' imprisonment, respectively. In 2000, the Pan-American Health Organization reported that 60 percent of women had been victims of domestic violence, and the U.N. Population Fund estimated that 8 of every 10 women suffered from domestic violence. The Ministry of Public Security reported that 3,430 cases of domestic violence and 275 rapes were reported to the police during the year. The Public Ministry reported that 743 cases of domestic violence and 93 cases of rape were tried during the year.

The Law Against Domestic Violence, intended to strengthen the rights of women and increase the penalties for crimes of domestic violence, does not impose any fines, and the only sanctions are community service and 24-hour preventive detention if the aggressor is caught in the act. The Penal Code includes the crime of intrafamily violence and disobeying authorities, in the case that an aggressor does not obey a restraining order. Three years' imprisonment per incident is the maximum sentence. The Special Prosecutor for Women in the Public Ministry received approximately 30 complaints daily about domestic violence. Since 2002, more cases have been resolved because the Government began to fund special courts to hear only cases of domestic violence.

The Government works with women's groups to provide specialized training to police officials on enforcing the Law Against Domestic Violence. There are few shelters specifically for battered women. The Government operates 1 shelter that can accommodate 10 women and their families. Six private centers for battered women offered legal, medical, and psychological assistance but not physical shelter.

The penalties for rape are relatively light, ranging from 3 to 9 years' imprisonment. All rapes are considered public crimes, so a rapist can be prosecuted even if the victim does not want to press charges.

The law does not prohibit adult prostitution, but child prostitution is illegal; the law prohibits promoting or facilitating the prostitution of adults.

Women were trafficked for sexual exploitation and debt bondage (see Section 6.f.).

The law prohibits sexual harassment in the workplace; however, it continued to be a problem.

Women, who are a majority of the population according to the National Statistics Institute, and make up approximately 36 percent of the work force according to 2001 estimates, were represented in at least small numbers in most professions, but cultural attitudes limited their career opportunities. Under the law, women have equal access to educational opportunities and slightly more girls complete grade school and high school than boys, according to the National Statistics Institute. The law requires employers to pay women equal wages for equivalent work, but employers often classify women's jobs as less demanding than those of men to justify paying them lower salaries. The Inter-Institutional Technical Committee on Gender supported gender units in five government ministries, and there is a special working women's division in the Ministry of Labor to coordinate government assistance programs that have a gender focus and that are targeted for women.

Workers in the textile export industries reported that they were required to take preemployment pregnancy tests, which is against the law. Pregnant employees and new mothers for three months after the birth of their child have specific protections under labor law to prevent unjust firings (see Section 6.e.). Women are eligible for 4 weeks of paid maternity leave prior to the birth and 6 weeks of paid maternity leave after the birth.

The Government maintained a cabinet-level position directing the National Women's Institute, which develops women and gender policy.

Children

Although the Government during the year allocated 26.9 percent of its total expenditures (including foreign assistance) to education (including salaries of teachers and administrators), funding remained insufficient to address the educational needs of the country's youth. The Government provides free, universal, and compulsory education through the age of 13; however, the Government estimated in 2002 that as many as 65,000 children ages 6 through 12 fail to receive schooling of any kind each year; of these, almost 10,000 will never attend primary school. Slightly more girls attend primary and high school than boys, and older boys often drop out to assist their family by working. The Government increased its national school capacity by approximately 50,000 children in 2002. The average woman has approximately 4.7 years of primary education; the average man has approximately 4.9 years of primary education.

The Government allocated 16.2 percent of its total expenditures (including foreign assistance) to the health sector in 2003 (including salaries of doctors and medical workers). According to a 2001 national survey on epidemiology and family health, infant mortality (deaths under 1 year of age) was 34 per 1,000 live births, and child mortality (deaths under 5 years of age) was 45 per 1,000 live births. Of children age 1 to 5, 32.9 percent were malnourished.

The 1996 Code of Childhood and Adolescence covers the rights, liberties, and protection of children. It established prison sentences of up to 3 years for persons convicted of child abuse. In the major cities of San Pedro Sula and Tegucigalpa, with a combined population of 682,400 minors, the Public Ministry received a total of 2,500 complaints of child abuse in 2001. The Public Ministry reported that 205 cases of child abuse were tried during the year.

The commercial sexual exploitation of children is a serious problem, and child prostitution is a problem in tourist and border areas of the country. Casa Alianza estimated in December that there were approximately 8,335 children who are victims of some form of commercial sexual exploitation. Several government agencies, international organizations, and NGOs have developed a national plan against the sexual exploitation of children. The Government and NGOs held seminars on the prevention and eradication of the commercial sexual exploitation of children and trafficking in women and children in Tegucigalpa, La Ceiba, and Valle during the year (see Section 6.f.).

Child labor is a problem (see Section 6.d.).

Trafficking in children is a problem (see Section 6.f.).

The Government was unable to improve the living conditions or reduce the numbers of street children and youth (see Sections 1.a. and 1.c.). The Government and children's rights organizations estimate the number of street children at 20,000, only half of whom have shelter on any given day. Many street children have been sexually molested or exploited, and some are addicted to drugs, alcohol, and glue sniffing. Approximately 30 percent of the street children and youth in Tegucigalpa and San Pedro Sula, the two largest population centers, were reported to be HIV-positive in 1998. . The Tegucigalpa city administration runs 12 temporary shelters with a total capacity of 240 children. In December, Casa Alianza inaugurated a shelter for children who are victims of commercial sexual exploitation. The shelter was designed to expand efforts by Casa Alianza, which previously provided shelter to 160 children.

Abuse of youth and children in poor neighborhoods and in gangs is a serious problem. Both police and members of the general population engaged in violence against poor youth and children; some of these children were involved in criminal activities, but many were not. Police were found to be responsible for some of the killings of approximately 500 children, only some of whom lived on the street, who were killed summarily in "social cleansing" killings between January 1998 and August 2002. In April 2002, a court sentenced policeman Cesar Montoya to 6 years imprisonment for the 2000 killing of 17-year-old Edie Donaire. This was the first sentence imposed for the murder of a minor since tracking of the youth killings began in 1998. In September 2002, the courts sentenced a policeman to 24 years in prison for the 1995 rape and murder of a 14-year-old street child. Security authorities' abuse of street children decreased significantly in the late 1990s after Casa Alianza trained the Preventive Police on treatment of children and youth for 2 years; however, it is still a problem, although the situation has improved significantly. Casa Alianza no longer trains police recruits at the National Police Academy in La Paz department. In 2002, CODEH signed an agreement with the Ministry of Public Security to provide human rights training. CODEH also conducted human rights training with the military during the year.

International and national human rights groups implicated public and private security force personnel, vigilante groups, and business leaders in many juvenile deaths (see Section 1.a.).

Persons with Disabilities

There are no formal barriers to participation by an estimated 700,000 persons with disabilities in employment, education, or health care; however, there is no specific statutory or constitutional protection for them. There is no legislation that requires access by persons with disabilities to government buildings or commercial establishments. In 2001, the National University began providing classes in Honduran Sign Language.

Indigenous People

Some 490,000 persons, constituting 9 percent of the general population, are members of indigenous and Afro-Caribbean ethnic groups. The Miskitos, Tawahkas, Pech, Tolupans, Lencas, Chortis, Nahual, Islanders, and Garifunas live in 362 communities and generally have little or no political power to make decisions affecting their lands, cultures, traditions, and the allocation of natural resources. Most indigenous land rights are communal, providing land use rights to individual members of the ethnic group. Indigenous and ancestral lands often are defined poorly in documents dating back to the mid-19th century. Both indigenous and nonindigenous communities have criticized the government's exploitation of timber; however, government policy over natural resources changed in 2002 and reportedly included greater local participation.

Land disputes are common among all sectors of society; however, the lack of clear title and property boundaries of indigenous land claims often leads to conflicts between such groups as landless mestizo farmers who clear and occupy land for subsistence farming, local and national elites who encroach on indigenous land to engage in illegal logging, and various government entities (see Sections 1.a. and 1.f.). In 2002, 12 Tolupan were killed in Yoro department in separate incidents because they opposed illegal logging and usurpation of their ancestral lands. Tolupan leaders implicated sawmill owners, police, district attorneys, and the governmental Honduran Forest Development Corporation in these killings. These cases were still pending at year's end. The Government worked with various indigenous groups on management plans for public and ancestral lands that they occupy. Expanded coverage of the national cadastral registry, property titling, and government land registries has the potential to reduce violence related to land disputes. In recent years security officials and private landowners have been accused of participating in about a dozen killings of Lencas and Garifunas in conflicts over indigenous land claims.

In August, the IACHR recognized that the delivery of a final title deed for ancestral lands of the Sambo Creek Garifuna Community settled an IACHR petition filed by the Honduran Black People's Fraternal Organization.

The courts commonly deny legal recourse to indigenous groups and often show bias in favor of nonindigenous

parties of means and influence. Failure to obtain legal redress frequently leads to indigenous groups' attempting to regain land through invasions of private property, which usually provoke the authorities into retaliating forcefully. The Government is somewhat responsive to indigenous land claims; however, numerous cases remained unresolved because of conflicting claims by influential individuals.

In 2002, the INA reduced its issuance of titles to indigenous groups because of lack of funds to compensate private owners and expected changes in land use laws. The INA continued to play a weak role in mediating land claims of indigenous and farmer groups.

Section 6 Worker Rights

a. The Right of Association

Workers have the legal right to form and join labor unions; unions generally are independent of the Government and of political parties. Most farmer organizations are affiliated directly with the labor movement. Unions, especially public sector unions, occasionally hold public demonstrations against government policies and make extensive use of the news media to advance their views. However, only about 8 percent of the work force is unionized, and the economic and political influence of organized labor has diminished in the past several years. Public sector unions have greater strength than private sector unions. Companies with unions are closed shops. The International Labor Organization (ILO) has noted that various provisions in the labor law restrict freedom of association, including the prohibition of more than 1 trade union in a single enterprise, the requirement of more than 30 workers to constitute a trade union, the requirement that trade union organizations must include more than 90 percent Honduran membership, the prohibition on foreign nationals holding union offices, the requirement that union officials must be employed in the economic activity of the business the union represents, and the restriction on unions in agricultural businesses with less than 10 employees.

The labor movement consists of three national labor confederations: the General Workers Central (CGT), the Confederation of Honduran Workers (CTH), and the United Confederation of Honduran Workers (CUTH). The CTH and the CUTH are affiliated with the International Conference of Free Trade Unions (ICFTU). The CGT is affiliated with the World Conference of Labor (WCL).

A number of private firms have instituted "solidarity" associations, essentially aimed at providing credit and other services to workers and managers who are members of the associations. Representatives of most organized labor groups criticize these associations, asserting that they do not permit strikes; have inadequate grievance procedures; are meant to displace genuine, independent trade unions; and are employer-dominated. However, they are generally not seen by unions as a significant impediment to freedom of association. The Labor Code prohibits retribution by employers for trade union activity; however, it is a common occurrence. Some employers have threatened to close down unionized companies and have harassed workers seeking to unionize, in some cases dismissing them outright. Workers are most vulnerable for being fired while forming unions, despite the fact that workers in the process of establishing a union cannot be unfairly dismissed once they have registered their intent to organize a union with the Ministry of Labor. Some foreign companies close operations when they are notified that workers seek union representation.

The Ministry of Labor can reach administrative decisions on allegations of unfair dismissal and fine companies, but only a court can order reinstatement of workers. The labor courts routinely consider hundreds of appeals from workers seeking reinstatement and back wages from companies that fired them for engaging in union organizing activities. Cases referred to the judicial system begin at the Judge of First Instance, can then be appealed to a Court of Appeals, and finally can be appealed to the Supreme Court. There are Labor Courts for First Instance and Appeals in Tegucigalpa and San Pedro Sula (and a labor Judge of First Instance in La Ceiba); in other regions of the country regular Judges of First Instance and regular Courts of Appeals handle labor cases. The Ministry of Labor can issue an enforcement order if an employer does not abide by a reinstatement order by a court. Workers often accept dismissal with severance pay rather than wait for a court resolution due to the length of this process. Lack of effective reinstatement of workers is a serious problem.

Once a union is recognized, employers actually dismiss relatively few workers for union activity. Cases of firings and harassment serve to discourage workers elsewhere from attempting to organize. The ILO has recommended that the Government provide adequate protection, particularly effective and dissuasive sanctions, against acts of anti-union discrimination for trade union membership or activities and against acts of interference by employers or their organizations in trade union activities.

Workers in both unionized and nonunionized companies are protected by the Labor Code, which gives them the right to seek redress from the Ministry of Labor. The Ministry of Labor applied the law in several cases, pressuring

employers to observe the code. Labor or civil courts can require employers to rehire employees fired for union activity, but such rulings are uncommon. Collective bargaining agreements between management and unions generally contain a clause prohibiting retaliation against any worker who participates in a strike or other union activity.

The Labor Code explicitly prohibits blacklisting; however, there was credible evidence that blacklisting occurred in the assembly manufacturing for export firms, known as maquilas. A number of maquiladora workers who were fired for union activity have reported being hired for 1 or 2 weeks and then being let go with no explanation. Maquiladora employees have reported seeing computer records that include previous union membership in personnel records, and employers have told previously unionized workers that they are unemployable because of their previous union activity.

When a union is formed, its organizers must submit a list of founding members to the Ministry of Labor as part of the process of obtaining official recognition. However, before official recognition is granted, the Ministry of Labor must inform the company of the impending union organization. At times companies receive the list illegally from workers or from Labor Ministry inspectors willing to take a bribe. The Ministry of Labor has not always been able to provide effective protection to labor organizers. In 2002 the Ministry of Labor improved its administrative procedures to reduce unethical behavior of its officials regarding union organizing. There were fewer reports of inspectors selling the names of employees involved in forming a union to the management of the company compared with previous years. Once a union is registered, its board of directors has specific protections under the law to prevent illegal firings.

The three national labor confederations maintain close ties with various international trade union organizations.

b. The Right to Organize and Bargain Collectively

The law protects the rights to organize and to bargain collectively. By law an employer must begin collective bargaining once workers establish a union; however, employers often refuse to bargain with a union. The Ministry of Labor can and has administratively sanctioned an employer for failing to negotiate, or for violating a collective bargaining agreement. In addition, a union can bring an employer to court for violating a collective bargaining agreement.

The Constitution provides for the right to strike, along with a wide range of other basic labor rights, which the authorities generally respect in practice. The ILO has criticized the Civil Service Code's denial of the right to strike to all government workers, other than employees of state-owned enterprises. Nonetheless, civil servants often engage in illegal work stoppages without experiencing reprisals. In addition, the law prohibits strikes in essential services and petroleum production, refining, transport, and distribution. The ILO has criticized the broad restriction on strikes in petroleum-related industries. The ILO noted that labor federations and confederations are prohibited from calling strikes, and that a two-thirds majority of the votes of the total membership of the trade union organization is required to call a strike, rather than a simple majority; the ILO asserts that these requirements restrict freedom of association.

The public sector held pervasive and long-lasting strikes throughout the year. High school teachers and doctors and other medical workers in public hospitals went on strike on numerous occasions to demand additional salary raises or to protest proposed changes to civil service pay and benefits.

The same labor regulations apply in the export processing zones (EPZs) as in the rest of private industry, except that the law prohibits strikes. There are approximately 20 EPZs. Each EPZ provides space for between 4 and 10 companies. There are approximately 180 export-oriented assembly manufacturing firms located inside and outside EPZs. The Honduran Apparel Manufacturers Association (AHM) and worker representatives routinely meet to reduce potential tensions within the industry. At year's end, approximately 48 of the country's 180 maquiladora firms were unionized. Approximately 12 percent of the 118,000 maquiladora work force is unionized, according to May statistics from the Ministry of Labor.

In 1997 the AHM adopted a voluntary code of conduct governing salaries and working conditions in the industry and recognizing workers' right to organize. Members of AHM, both industrial park owners and company owners, are asked to sign the code of conduct to join the AHM. The conditions are not monitored or verified by the AHM, but the AHM does act as arbiter when unions, the Ministry of Labor, or other partners complain about labor conditions in a factory. Workers and supervisors were trained on the elements of this code during the year. Organized labor has equivalent rights and protection inside and outside EPZs.

In the absence of unions and collective bargaining, the management of several plants in free trade zones has instituted solidarity associations that, to some extent, function as "company unions" for the purposes of setting wages and negotiating working conditions. Others use the minimum wage to set starting salaries and adjust wage scales by negotiating with common groups of plant workers and other employees, based on seniority, skills, categories of work, and other criteria (see Section 6.e.).

Labor leaders accuse the Government of allowing private companies to act contrary to the Labor Code. They criticize the Ministry of Labor for not enforcing the Labor Code, for taking too long to make decisions, and for being timid and indifferent to workers' needs. Industry leaders, in turn, contend that the obsolete and cumbersome Labor Code discourages foreign investment and requires significant amendment. The Ministry of Labor sought to address these deficiencies by requesting increased funding in the government's budget, by dismissing or transferring Ministry of Labor employees whose performance was unsatisfactory, by strengthening regional offices to facilitate worker access to Ministry of Labor services, and by continuing a painstaking, ongoing review of the Labor Code since 1995. During the year the Ministry of Labor continued its work to strengthen a special maquiladora inspectorate office and an office for female workers.

There are 101 general labor inspectors, an increase from 95 in 2002. The Government has acknowledged that it does not yet adhere completely to international labor standards. In 1997 the country, in conjunction with other Central American nations, agreed to fund a regional program to modernize the inspection and labor management functions of all regional labor ministries. In August, the Ministry of Labor issued a legal notice that clarified the obligation of employers to grant access to labor inspectors.

The Government, private sector, and worker representatives participated in a regional program funded by an international donor to improve the right of freedom of association and collective bargaining throughout Central America. This program aimed to provide technical assistance and to strengthen the enforcement capabilities of the Central American labor ministries in these fields.

c. Prohibition of Forced or Bonded Labor

The Constitution and the law prohibit forced or bonded labor, including by children; however, there were credible allegations of compulsory overtime at maquiladora plants, particularly for women, who make up an estimated 64 percent of the work force in the maquiladora sector. Prison labor can be compulsory for convicted criminals.

d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution and the Labor Code prohibit the employment of minors under the age of 16, except that a child who is 14 years of age is permitted to work with parental and Ministry of Labor permission; however, child labor is a significant problem. According to the Ministry of Labor, human rights groups, and children's rights organizations, an estimated 400,000 children work illegally. The Children's Code prohibits a child under 14 years of age from working, even with parental permission, and establishes prison sentences of 3 to 5 years for persons who allow children to work illegally. This law is not enforced effectively. An employer who legally hires a 14-15-year-old must certify that the child has finished, or is finishing, his compulsory schooling. The Ministry of Labor grants a limited number of work permits to 14-15-year-old children each year. Minors are prohibited from working in undersea fishing or outside of the country's borders. Minors 14-15 years old are allowed to work only 4 hours daily and 20 hours weekly; 16-17-year-olds can work 6 hours daily and 30 hours weekly. Minors can work only until 8:00 p.m.

The Ministry of Labor does not enforce effectively child labor laws outside the maquiladora sector. The Ministry's effective enforcement of child labor laws in the maquiladora sector receives assistance from the self-policing of AHM members who in general do not hire employees under 18 years old. Violations of the Labor Code occur frequently in rural areas and in small companies. Significant child labor problems exist in family farming, agricultural export (including the melon, coffee, and sugarcane industries), and small-scale services and commerce. The Government, the ILO, and NGOs estimated that 400,000 children work illegally. A 2001 household survey reported that 9.2 percent of children between ages 5 and 15 were working, and that 26 percent of children ages 11 through 15 worked. Many children also work in the construction industry, on family farms, as street vendors, or in small workshops to supplement the family income. Boys between the ages of 13 and 18 work on lobster boats, where they dive illegally with little safety or health protection. Children who work on melon and sugarcane farms were exposed to pesticides and long hours.

There were isolated cases of the employment of children under the legal working age in the maquiladora sector. (Younger children sometimes obtain work permits by fraud or purchase forged permits.) In 2002, one foreign firm in the maquiladora sector was reported to employ minors, and the Ministry of Labor took action to penalize the employer and assure that minors no longer worked at the plant.

The Government published its National Plan of Action for the Gradual and Progressive Eradication of Child Labor in 2001. In June 2001, the Honduran Private Business Council promoted a Declaration signed by the Ministry of Labor, the First Lady, and the ILO to eradicate immediately the worst forms of child labor. In September 2001, in collaboration with the Honduran Private Business Council, the Ministry of Labor implemented a campaign to increase industry awareness on the worst forms of child labor. Within the same year, the Legislative Assembly published specific regulations on child labor, which outline activities prohibited for children and adolescents and sanctions for employers who violate these rules and regulations.

In 2002, the Government swore in new members of the interagency National Commission for the Gradual and Progressive Eradication of Child Labor. In May 2002, the ILO International Program for the Eradication of Child Labor (IPEC) launched its programs focused on the eradication of the worst forms of child labor in melon and coffee production. ILO/IPEC also has programs combating the commercial sexual exploitation of children, children working as lobster divers, children working in the garbage dump of Tegucigalpa, and child domestic workers. In addition, an international donor funded a 1-year pilot project with an NGO to help provide education to children working or at risk of working in commercial agriculture. The Ministry of Education has developed an Education for All plan to increase access to preschool and primary education; improve the quality of preschool and primary education by encouraging new teaching methods, improving curriculum, and reducing drop-out rates, repetition, and desertion rates; and increase student achievement. In October, the Government signed a Memorandum of Understanding with representatives of the World Bank and other international donors to help the country reach its Education for All goals.

e. Acceptable Conditions of Work

In March, minimum wages that were renegotiated by the Government, the private employers' association, and the three labor confederations went into effect for the year (backdated to January). The daily minimum wage scale is broken down by sector and by size of business: small (1-15 workers) and large (16 or more workers). The scale ranges from \$2.79 (48.85 lempiras) for workers in small agriculture to \$4.70 (82.3 lempiras) for workers in financial/insurance companies and workers in export-oriented businesses (including maquilas and commercial agriculture such as tobacco, coffee, bananas, and seafood). Workers in areas such as construction, services, mining, transportation, communication, etc., have minimum wages in between these two rates. The raise was approximately 12 percent for workers in small agriculture, but approximately 9 percent for most other workers. Inflation was approximately 8.1 percent in 2002.

All workers are entitled to a bonus equivalent to a month's salary in June and December every year. The Constitution and the Labor Code stipulate that all labor must be paid fairly; however, the Ministry of Labor lacks the personnel and other resources for effective enforcement. The minimum wage is insufficient to provide a decent standard of living (above the poverty line) for a worker and family.

As a result of the 2000 negotiated agreement on the minimum wage, the Government committed itself to establishing an Economic and Social Council where the Government, the private sector, and labor and social groups would debate wages and other labor issues, as well as national social policy. In March 2002, the Council was sworn in and it has been active on a number of issues.

The law prescribes a maximum 8-hour workday and a 44-hour workweek, equivalent to 48 hours' wages. There is a requirement of at least one 24-hour rest period for every 6 days of work. The Labor Code provides for a paid vacation of 10 workdays after 1 year, and of 20 workdays after 4 years. The law requires overtime payment for hours in excess of the standard. There are prohibitions on excessive compulsory overtime. However, employers frequently ignored these regulations due to the high level of unemployment and underemployment and the lack of effective enforcement by the Ministry of Labor. Foreign workers enjoy equal protection under the law, although the process for a foreigner to obtain a work permit from the Ministry of Labor is cumbersome.

The Ministry of Labor is responsible for enforcing national occupational health and safety laws, but does not do so consistently or effectively. During the year, the Ministry of Labor received technical assistance, training, and equipment from an international donor to improve its regulatory capacity. There are 14 occupational health and safety inspectors throughout the country. The informal sector, comprising more than 52 percent of all employment according to the Ministry of Labor, is regulated and monitored poorly. Worker safety standards also are poorly enforced in the construction industry. Some complaints alleged that foreign factory managers failed to comply with the occupational health and safety aspects of Labor Code regulations in factories located in the free trade zones and in private industrial parks (see Section 6.b.). There is no provision allowing a worker to leave a dangerous work situation without jeopardy to continued employment.

f. Trafficking in Persons

The Legal Code includes provisions that prohibit trafficking in persons; however, it is a problem. There is no comprehensive anti-trafficking law, but assorted penal, child exploitation and immigration statutes criminalize trafficking and enable the Government to prosecute traffickers. The law prohibits trafficking in persons and provides for sentences of between 6 and 9 years' imprisonment; the penalty is increased if the traffickers are government or public employees, or if the victim suffers "loss of liberty" or is killed. The Government and Justice Ministry, through its General Directorate for Population and Migration (DGPM), is responsible for enforcing the country's immigration laws although the DGPM does not have arrest powers. Many of the government's anti-trafficking measures are conducted in the context of combating the illegal movement of migrants. Corruption, a lack of resources, and weak police, Public Ministry, and court systems hinder law enforcement efforts. While traffickers have been arrested, the Government has not prosecuted any cases. In 2002, the Government arrested and prosecuted eight "coyotes," some of whom were smuggling minors, but it was unclear if any of these cases involved trafficking. Corruption is a serious problem and renders obtaining court convictions difficult. Some officials have been investigated and dismissed for corruption. The Immigration Director fired 35-40 officers for corruption in 2002. The Frontier Police have worked with an international donor to construct a border control inspection facility that is used against traffickers.

Honduras is a source and transit country for trafficking for sexual and labor exploitation. Most victims are young women and girls, who are trafficked to Guatemala, Belize, El Salvador, Mexico, the United States, and Canada. Women and children are trafficked internally, most often from rural to urban settings. An April 2002 raid in Texas uncovered a prostitution ring run by Hondurans in which more than three dozen Honduran women and girls had been trafficked to the United States and were subject to sexual exploitation and debt bondage. Honduran authorities participated in law enforcement investigations that led to several convictions in the United States.

Reports from Casa Alianza in 2000 asserted that approximately 250 Honduran children in Canada were coerced into prostitution or the sale of illicit narcotics. Canadian authorities cooperated with Honduras during the year to identify and repatriate the minors. During the year the Government continued to work with the Government of Mexico to repatriate over 200 Honduran minors working as prostitutes in southern Mexico. According to a local children's rights group, 408 children have been reported missing from 1990 to February.

The commercial sexual exploitation of children is a serious problem, and child prostitution is a problem in tourist and border areas of the country. Casa Alianza estimated in December that there were approximately 8,335 children who are victims of some form of commercial sexual exploitation. The Government and NGOs held seminars on the prevention and eradication of the commercial sexual exploitation of children and trafficking in women and children in Tegucigalpa, La Ceiba, and Valle during the year.

The Government, in conjunction with UNICEF, has begun a public information campaign against trafficking and commercial sexual exploitation, and it has tried to raise awareness of children and women's rights and risks associated with illegal migration. Casa Alianza has also launched a public information campaign against commercial sexual exploitation of children. A national commission attempts to combat child labor abuses and seeks to reincorporate working minors into educational programs. Several government agencies, international organizations, and NGOs have developed a national plan against the sexual exploitation of children, (see Section 5).

The Government does not provide any assistance to foreign victims of trafficking, nor does it provide funding for NGOs helping victims; however, while constrained by a lack of financial resources, government officials work closely with NGOs in several areas. The government worked with ILO/IPEC and NGOs to provide training to the press on trafficking in persons. In 2000 the Government inaugurated two centers in Tegucigalpa and San Pedro Sula to assist citizens deported from other countries to relocate in the country. The centers' activities continued during the year, with the assistance of several international organizations. Consular officials are aware of trafficking issues when abroad. The International Organization for Migration received assistance from an international donor to build a shelter for third country illegal immigrants pending deportation to their home countries.